



Review Sheet



Last
Reviewed
18 Aug 2025



Last
Amended
18 Aug 2025



This policy will be reviewed as needs require or at the following interval:
Annual

Business Impact:



Changes are important, but urgent implementation is not required, incorporate into your existing workflow.

Reason for this Review:

Other

Changes Made:

Yes

Summary:

Human rights underpin all interactions in health and social care. The Human Rights Act 1998, the Convention on the Rights of Persons with Disabilities, the Mental Capacity Act 2005, and the Equalities Act 2010 all prohibit inhuman and degrading treatment, and set boundaries on when a person's rights to liberty or to a private and family life can be breached. This policy has been reviewed following the recent update to information on the Accessible Information Standard, with changes made to sections 3.6, 5.12 and 5.13 of this policy. References have been checked and updated to ensure they remain current.

Relevant Legislation:

- The Care Act 2014
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Human Rights Act 1998
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Gender Recognition Act 2004
- UK GDPR
- Health and Social Care Act 2012 Section 250 (Information Standards)
- Data Protection Act 2018

- Author: Equality and Human Rights Commission, (2019), Equality and human rights in social care [Online] Available from: <https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments/what-do-we-mean-reasonable> [Accessed: 18/08/2025]
- Author: HM Government, (2020), Mental Capacity Act Code of Practice [Online] Available from: <https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice> [Accessed: 18/08/2025]

Underpinning Knowledge:	• Author: Equality and Human Rights Commission, (2019), What do we mean by reasonable? [Online] Available from: https://www.equalityhumanrights.com/guidance/business/employing-people-workplace-adjustments/what-do-we-mean-reasonable [Accessed: 18/08/2025] • Author: Equality and Human Rights Commission, (2020), The United Nations Convention on the Rights of People with Disabilities [Online] Available from: https://www.equalityhumanrights.com/sites/default/files/uncrpdguide_0.pdf [Accessed: 18/08/2025] • Author: CQC, (2023), Our updated human rights approach [Online] Available from: https://www.cqc.org.uk/about-us/our-updated-human-rights-approach#:~:text=As%20a%20human%20rights%2Dfocused,rights%20issues%20that%20we%20find. [Accessed: 18/08/2025] • Author: The British Institute of Human Rights, (2022), Organisations' Duties Health, Care & Social Work [Online] Available from: https://www.bih.org.uk/get-informed/where-do-organisations-duties-apply/health-care-social-work [Accessed: 18/08/2025] • Author: NHS England, (2026), Accessible Information Standard [Online] Available from: https://www.england.nhs.uk/long-read/accessible-information-standard-requirements-dapb1605/ [Accessed: 18/08/2025]
Suggested Action:	• Encourage sharing the policy through the use of the QCS App
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.



1. Purpose

1.1 This policy should be read alongside:

- Service User Bullying Policy and Procedure
- Consent to Care, Support and Treatment Policy and Procedure
- Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure
- Closed Cultures Policy and Procedure

1.2 To enable Glenfield Care Home Ltd to meet the legal requirements to promote and protect the equality and human rights of Clientss, including any reasonable adjustments that might be needed.

1.3 To promote the autonomy, wellbeing and independence of Clientss by respecting and enhancing their human rights.

1.4 This policy focuses on the promotion of equality and human rights for Clientss and follows the human rights principles outlined as FREDA:

- Fairness
- Respect
- Equality
- Dignity
- Autonomy

(Equality and human rights for staff are not addressed in this policy- please refer to the Equality and Diversity policy and procedure)

1.5

Key Question

Quality Statements

CARING	QSC1: Kindness, compassion and dignity QSC3: Independence, choice and control
EFFECTIVE	QSE6: Consent to care and treatment
SAFE	QSS4: Involving people to manage risks QSS5: Safe environments
WELL-LED	QSW1: Shared direction and culture QSW2: Capable, compassionate and inclusive leaders

1.6 Relevant Legislation

- The Care Act 2014
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Human Rights Act 1998
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Gender Recognition Act 2004

- UK GDPR
- Health and Social Care Act 2012 Section 250 (Information Standards)
- Data Protection Act 2018



2. Scope

2.1 Roles Affected:

- All Staff
- Volunteers

2.2 People Affected:

- Clientss

2.3 Stakeholders Affected:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS



3. Objectives

3.1 Glenfields Care Home Limited has a clear and ongoing commitment to promoting and respecting the rights of all Clientss, regardless of their situation and protected characteristics.

Glenfields Care Home Limited provides care fairly and indiscriminately by ensuring that each Clients is treated as a unique person and care is tailored specifically to meet their bespoke needs.

3.2 Clientss are honoured in all their uniqueness and diversity, and their rights to live as they choose are not restricted, except where this is strictly both necessary and proportionate, and in accordance with this policy.

3.3 Care Plans are created individually and show ongoing commitment to respecting and promoting the human rights of each Clients:

- Through demonstrating knowledge of the person's wishes and feelings
- Making these the framework for the way services are provided
- Ensuring any reasonable adjustments are in place

3.4 Staff show, by their actions, a commitment to equality and diversity, by enabling Clientss to maintain or create hobbies and interests, community links, friendships and memberships of religious or community organisations.

3.5 Glenfields Care Home Limited reflects, through staff, volunteers or proactive community involvement, the cultural, religious and social make-up of the local community,

so that Clientss do not feel distanced from those who share their culture or background.

3.6 To ensure that the six outcomes of the Accessible Information Standard are met and staff at Glenfields Care Home Limited understand them and have processes in place to meet the standards.

Identifying needs

Recording needs

Flagging needs

Sharing needs

Meeting needs

Reviewing needs



4. Policy

4.1 The Registered Manager, Jodie Hurford Glenfields Care Home Declan Tanner Registered Manager Alderson House, and Nominated Individual, Laura Harding, of Glenfields Care Home Limited, have overall management responsibility for this policy and procedure. This is in line with the Policy Management Policy and Procedure at Glenfields Care Home Limited.

4.2 Actions and decisions that affect Clientss are compliant with relevant human rights law, that is, the Human Rights Act 1998, the Equality Act 2010, and, where Clientss aged 16 or over may lack mental capacity, the Mental Capacity Act 2005.

4.3 Person-Centred Care

Care Plans demonstrate the importance that Glenfield Care Home Ltd gives to protecting the human rights of Clientss, by being clearly person-centred and celebrating uniqueness in it's approach, and reflecting a real commitment to people's rights to live as they choose.

4.4 Glenfield Care Home Ltd is committed to identify and remove any 'blanket rules' governing how Clientss live, demonstrating this by person-centred planning that enables, for example, specific religious or cultural practices that are important to an individual.

4.5 The Importance of Communities

Glenfields Care Home Limited operates a continuous commitment to equal opportunities, diversity and human rights, by proactively ensuring that Clientss have access to, and engagement with, their communities, health providers and other important professionals, coordinated around each Clients.

Glenfields Care Home Limited recognises the importance of providing opportunities for Clientss to connect with their relatable community.

4.6 Protected Characteristics

Glenfields Care Home Limited recognises that everyone is different and wants to make sure its service practices respect and promotes and celebrates these differences. It will not tolerate unlawful discrimination, victimisation, bullying or harassment of any kind, including the protected characteristics outlined in the Equality Act 2010:

- Age
- Disability
- Gender reassignment or self-identification

- Marriage and civil partnership
- Pregnancy and maternity
- Race (this includes ethnic or national origins, colour or nationality)
- Religion or belief (this includes lack of belief)
- Sex (male and female)
- Sexual orientation

4.7 Human rights, equality and diversity, and the wishes and feelings of Clientss, are considered in all aspects of service provision, including supervisions and team meetings underpinned by following the FREDA principles.

4.8 Partnership Working

Glenfields Care Home Limited provides its care to support each Clients to live the life they choose. In order to ensure that this is successful and meaningful, this means a transparent working partnership with other professionals to ensure the best individual outcomes for each Clients.

4.9 Reasonable Adjustments

Where Clientss require reasonable adjustments under the Equality Act 2010, Glenfields Care Home Limited will ensure these are reviewed on an individual basis and detailed within the Clients's Care Plan.



5. Procedure

5.1 'Care that respects people's rights is good care – we call this **'rights-respecting care'**. Where there is good care there are **'rights-respecting cultures'**, but where there is poor care, the opposite is true, and we can describe these as **'rights-rejecting cultures'**.

'Our human rights need protecting most when we feel the least powerful and are relying on others for our basic needs – including when we are using health and care services'.

The CQC 2023

5.2 Glenfields Care Home Limited provides all Clients care using a person-centred approach, respecting the individual needs, wishes and capabilities of the Clients and promoting their human rights.

This is reflected in the company values that support an open and transparent culture, which is dedicated to cultivating rights-respected care.

5.3 Glenfields Care Home Limited places significant value in training staff to ensure that they understand the following Articles of the Human Rights Act and can recognise when any of them is at risk of being breached. Glenfields Care Home Limited is committed to delivering care and support in a way that promotes and enhances the human rights of all.

5.4 Right to Life

Article 2 - Everyone has the right to life. Glenfields Care Home Limited takes reasonable steps to protect and maintain the Clients's life except in circumstances where it is reaching its inevitable and natural close.

Glenfields Care Home Limited has clear policies and procedures on supporting each Clientss' end of life wishes and their care provision, which includes:

- Advance decisions to refuse treatment
- Powers given by the Clients by way of lasting power of attorney for health and welfare to a trusted relative or friend, to consent to or refuse life-sustaining treatment in the person's best interests, and
- 'Do Not Attempt Cardiopulmonary Resuscitation' (DNRCPR) recommendations

Please see the advance decision policies at Glenfields Care Home Limited for further information.

5.5 Right to Liberty

Article 5 - Everyone has the right to liberty. Glenfields Care Home Limited ensures that the principles of the Mental Capacity Act (MCA) 2005 are followed and that Clientss receive care in the least restrictive way.

Glenfields Care Home Limited promotes empowerment and independence and supports Clientss decisions to live their lives in the way they choose.

Please see the deprivation of liberty policy and procedure in your QCS Compliance Centre and the Mental Capacity Act (MCA) 2005 Policy and Procedure for further information.

5.6 The right to be free from discrimination

Article 14 - The right to be free from discrimination

Glenfields Care Home Limited promotes opportunities for all and provides care in a non-discriminatory manner, respecting and treating everyone as unique.

5.7 Freedom from Torture and Inhuman or Degrading Treatment

Article 3 - It is essential that the right to protection from torture and inhumane and degrading treatment must **never** be breached. It underpins all care commitments. Staff receive formal training on how to deliver respectful care that enhances Clientss' dignity. Formal training is reinforced on a daily basis by adhering to the company values, as well as being a focus in team meetings and supervision. Examples of breaches of Article 3 are:

- Physical or mental abuse
- Failure to address, swiftly and discreetly, the physical and emotional results of incontinence (for example, by replacing soiled linen or clothing in a non-judgmental way)
- Leaving food or drinks without helping the Clients to eat or drink, when they are too frail or forgetful to feed themselves
- Any disproportionate, unnecessary or inappropriate force to restrain Clientss
- Carrying out care tasks, such as washing or dressing Clientss, without full and ongoing regard to their feelings, individuality, self-esteem and dignity

5.8 Article 8 - Clientss' rights to maintain contact with their families and friends under Article 8 are supported and never breached, except where this is unavoidable to protect the health of the Clients or others.

It is the right of the Clients with the capacity to do so, to make their own decisions about the level of contact, if any, with their personal network.

Legal advice is sought about the possible need for Court authorisation if a decision by Glenfields Care Home Limited is likely regarding any Clients that they should cease contact by all available means with a relative or friend.

5.9 Your Right to Respect for your Private and Family Life

Article 8 - Except as restricted for public health reasons, rights to a private and family life are proactively respected and enabled, for example, by providing privacy and a pleasant environment for visits, and respecting the Clients's right to sexual and other relationships.

5.10 Article 1 - The right to peaceful enjoyment of possessions

Glenfields Care Home Limited approaches our service delivery with the utmost respect for the Clients's property and possessions, understanding that we are guests their home and to support them to enjoy their lives in the way that they choose.

5.11 CCTV

Article 8 - Monitoring by CCTV or other surveillance techniques may breach Article 8 (rights to privacy). The use of such recordings must adhere to the CQC guidance on surveillance which can be located [here](#).

5.12 Accessible Information Standard

Glenfields Care Home Limited recognises the importance of sharing information in a way that is accessible and that people understand.

Glenfields Care Home Limited has a clear policy in place to ensure that, as part of each Clients Care Plan process, Clientss' communication needs are assessed and discussed. Staff can refer to the Accessible Information Standard Policy and Procedure for more information.

Following this, Glenfields Care Home Limited takes a proactive approach and ensures that there are consistent methods in place for identifying, recording, flagging, sharing, meeting and reviewing the information and communication support needs of Clientss and carers as well as any changing needs.

Staff are trained in the Accessible Information Standard through induction, the Care Certificate and continual learning in relation to communication. This will form part of supervisions and appraisals and continually monitored via the compliance process at Glenfields Care Home Limited.

For more information please refer to the Accessible Information Standard (AIS) Policy and Procedure and Supporting Communication and Sensory Needs Policy and Procedure at Glenfields Care Home Limited.

5.13 Record Keeping

Glenfields Care Home Limited uses a digital record keeping system which enables us to share appropriate information with other services and professionals (with consent) efficiently.

Glenfields Care Home Limited has rigorous record keeping protocols which ensure that daily care notes are accurate, transparent and reflect the bespoke person-centred care provided in real time. Daily care notes for each visit are recorded for each Clients, which outline the person centred care delivered.

Glenfields Care Home Limited is able to share records appropriately (with consent) with other professionals as and when necessary to ensure the best interests of each Clients. There is also a clear ethos of partnership working throughout the organisation. For more

information on when to share information with others, staff can refer to the suite of Data Protection and UK GDPR Policies and Procedures.

Staff can also refer to the Cooperating with Other Providers Policy and Procedure, Record Keeping Policy and Procedure and Consent Authorisation Policy and Procedure for more detailed information on these areas.

5.14 Reasonable Adjustments

As part of the Care Plan process Glenfields Care Home Limited will ensure that reasonable adjustments are considered and identified for all Clientss. These will be documented within their individual Care Plan.

Where reasonable adjustments have been identified these will be discussed with Jodie Hurford Glenfields Care Home Declan Tanner Registered Manager Alderson House and implemented at Glenfields Care Home Limited, where possible, for the Clients. All actions in regards to reasonable adjustments will be clearly documented as part of the care planning process.

When deciding whether an adjustment is reasonable Glenfields Care Home Limited will consider:

- How effective the change will be in avoiding the disadvantage the disabled person would otherwise experience
- Its practicality
- The cost
- The resources and size of Glenfields Care Home Limited
- The availability of financial support

Examples of reasonable adjustments may include:

- Providing information in a specific format for the Clients
- Conducting assessments at a time of day that is more suitable for the Clients such as afternoon rather than morning
- Having accessible technology available such as an accessible telephone systems or online/digital systems that supports the needs of all Clientss. All technology should be user-friendly and user training provided where required. The opportunity for feedback and providing technical support will also be in place
- Arranging for an advocate to support the Clients

5.15 Challenging Discrimination, Bullying and Harrassment

As part of formal training, all staff will receive an education on the following topics:

- Equality, Diversity and Inclusion
- Safeguarding Adults
- Whistleblowing
- Bullying and Harassment

Training will also be in place to support understanding for staff of the personal, cultural, social and religious needs of people, including how these needs may relate to their care needs, how they can take these into account when delivering services, how this information should be recorded and shared with other services or providers.

Glenfields Care Home Limited ensures that staff have a clear understanding and sound knowledge base for recognising the traits of discrimination and abuse and what to do about it.

Staff must follow the procedure outlined in the Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure and raise any concerns, seeking support from the Registered Manager immediately.



6. Definitions

6.1 Mental Capacity Act 2005 (MCA)

- In England and Wales, the MCA defines capacity as the ability to make a specific decision at the time it needs to be made
- Everyone aged 16 or over is presumed to have this capacity unless there are reasons to question it, in which case the person's capacity should be assessed in the way described in the MCA and its code of practice
- The MCA balances the rights of Clientss to live as they choose, express their wishes and make their own decisions as long as they are not harming others, against the requirement to protect people who lack mental capacity, by finding the least restrictive options to meet identified needs in the best interests of the person

6.2 'Acid Test' for Identifying Deprivation of Liberty

- It can be lawful under human rights and mental capacity law to deprive a person aged 16 and over of their liberty in order to give them necessary care or treatment, provided that the person lacks capacity to consent to the necessary arrangements to give them such care or treatment, and that this is authorised. The 'acid test' clarifies that a person lacking capacity to consent to arrangements to give them necessary care or treatment is deprived of their liberty if they are both:
 - Not free to leave (meaning, even though they may go out accompanied, they must return) and
 - Under continuous supervision and control (meaning, that staff always know approximately where they are and what they are doing)
- This relates to Article 5 in health and care settings

6.3 Human Rights Act 1998: Article 8

- Everyone has the right to live as they choose, and for the State not to interfere in their private life
- This includes the right to have contact with relatives and friends and to have privacy during those contacts, whether face to face, by letter, phone, or over the internet
- These rights can be breached if the breach is necessary and proportionate to prevent harm to the person or to protect public health, for example, by preventing the spread of infection.
- However, in health and social care settings, interference with this right should usually be extremely rare, and always proportionate to the risk and likelihood of harm if no action is taken
- Where it is unavoidable, the effects on the person must be recognised and mitigated as far as possible

6.4 Human Rights Protected by the Human Rights Act

- Human rights are the basic rights and freedoms that belong to every person in the world. In the UK, human rights are protected by the Human Rights Act 1998
- The Human Rights Act 1998 incorporates into UK law the European Convention on Human Rights, and makes it unlawful for a public body, or anyone acting on behalf of a public body, to behave in a way that is incompatible with the Convention. The

rights most likely to be relevant in health and social care are Article 3, Article 5, and Article 8. All the rights protected by the Convention are listed below, with some of their implications for adult social care

- **Article 2** (Article 1 is just the preamble): **The right to life.** 'Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally, save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law'.
 - Note that this makes so-called 'mercy killing' unlawful, though it is lawful and good practice sometimes to recognise when treatment should be withdrawn or not started in circumstances when it would lead to pain or distress without prolonging life
 - In addition, any adult can lawfully make advance decisions to refuse treatment under the Mental Capacity Act; these will then apply when the person has lost capacity to make their own decision to accept or refuse treatment
- **Article 3: The complete prohibition of torture under any circumstances.** 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment'
 - It is a tragic fact that some so-called 'care' can include inhuman or degrading treatment or punishment; there is no place for this in care services, and any tendency, however slight, to bully, punish or degrade Clientss must be rooted out
- **Article 4: Prohibition of slavery and forced labour**
 - 'No one shall be held in slavery or servitude
 - No one shall be required to perform forced or compulsory labour'
- This is now strengthened by the Modern Slavery Act 2015, which forbids slavery or forced labour, and includes trafficking. Glenfield Care Home Ltd must ensure that it is not, even unwittingly, employing people who do not enjoy the rights available to other staff due to being trafficked or forced to pass on their pay to a trafficker
- **Article 5: Right to liberty and security of person.** This is not an absolute right but no one shall be deprived of his liberty except in certain circumstances, which includes Article 5(1)(e) - 'the lawful detention of persons...of unsound mind'. If someone is to be deprived of their liberty, it must be 'in accordance with a procedure laid down in law' and Article 5(4) - 'Everyone who is deprived of his liberty...shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful'
 - This is why the deprivation of liberty safeguards (DoLS) were created, to ensure there is a framework to protect people lacking capacity. Before DoLS, this vulnerable group of people could be deprived of their liberty on the say-so of a doctor, for example, without any clear way of asking a court whether this was legal or not. DoLS can only be used in hospitals and care homes, to protect the rights of people aged 18 and over, who lack capacity to make relevant decisions
 - The Article 5 rights of people who lack capacity in community settings (such as supported living or shared lives) or in their own homes, or of young people aged 16 or 17 in any setting, who are deprived of their liberty in their best interests, can at this time only be protected by application to the Court of Protection. This is usually arranged by the commissioner or the Local Authority

- **Article 6: Right to a fair trial.** This includes being presumed innocent until there is evidence of guilt
- **Article 7: No punishment without law.** Nobody can be found guilty of something which was not a crime at the time it was committed
- **Article 9: Freedom of thought, conscience and religion.** This is not an absolute right but can only be limited when necessary in a democracy, 'in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.' It includes the right to decide to change one's religion
- **Article 10: Freedom of expression.** This is not an absolute right and carries with it duties and responsibilities. It can be limited, where necessary, in a democracy, in a range of circumstances, including 'for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the reputation or rights of others'
- **Article 11: Freedom of peaceful assembly with others.** This is the right to meet up with other people and, for example, join a trade union. This is not an absolute right, and can be limited, where necessary in a democracy, for public safety or protection or the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights of others. States have the right to restrict this right among armed forces, the police, and other areas of public administration
- **Article 12: The right to marry.** Men and women of marriageable age can marry and found a family in accordance with national laws. Together with Article 8, this protects the rights of people with learning disabilities who have the capacity to consent to marriage, to enter into a marriage and have children
- **Article 14: Prohibition of discrimination.** This is an absolute right. 'The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.' This phrase 'other status' includes people choosing to express a different gender identity from the one they had at birth, or living with certain diagnoses (such as dementia or learning disability), or lacking mental capacity to make their own decisions, and highlights that human rights are for everyone

6.5 Convention on the Rights of Persons with Disabilities (CRPD)

- The UK is a signatory to the CRPD, and bound to work within it
- The CRPD aims to wipe out all discrimination and barriers to inclusion that face people with disabilities. This means the UK must develop and carry out policies and laws that secure the rights recognised in the Human Rights Act 1998, and abolish laws, regulations, customs and practices that constitute discrimination (Article 4)
- The UK is also committed to combatting stereotypes and prejudices, and promoting awareness of the capabilities of people with disabilities (Article 8)
- The CRPD demands guarantees that people with disabilities enjoy their inherent right to life on an equal basis with others (Article 10), ensures the equal rights and advancement of women and girls with disabilities (Article 6) and protects children with disabilities (Article 7)

6.6 The Equality Act 2010

- This Act makes it unlawful to discriminate against people, both in the workplace and in wider society
- It combines several earlier pieces of legislation, such as the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Disability Discrimination Act 1995

- 'Protected Characteristics', that people must not be subjected to discrimination on the basis of, are laid out in Section 4. They are:
 - Age
 - Disability
 - Gender reassignment
 - Marriage and civil partnership
 - Pregnancy and maternity
 - Race
 - Religion or belief
 - Sex
 - Sexual orientation

6.7 Deprivation of Liberty Safeguards DoLS: Human rights protection

- The Deprivation of Liberty Safeguards (DoLS) were set up as part of the Mental Capacity Act. They protect the rights of people aged 18 and over in hospitals and care homes, lacking mental capacity, who are deprived of their liberty, as required by the Human Rights Act Article 5
- The DoLS do this by laying out a procedure defined in law, so that anyone subject to an authorisation under DoLS knows what has led to this authorisation, and also by laying out how it can be challenged
- The protections for a person include:
 - Any conditions attached to the authorisation
 - Independent scrutiny of their Care Plan by a DoLS assessor
 - Independent assessment by a DoLS assessor of their capacity to consent to the Care Plan
 - The appointment of a relevant person's representative (RPR), usually a relative; this is someone to act for them
 - The right to ask the Local Authority who granted the authorisation to review it or any part of it
 - Their right of access to an Independent Mental Capacity Advocate (IMCA)
 - Their right to go to the Court of Protection for a full hearing of their views and examination of the authorisation
- An additional protection is that no authorisation can last for longer than 12 months and must then be re-assessed by the independent assessors

6.8 Equality

- The Equality and Human Rights Commission defines 'equality' as 'ensuring that every individual has an equal opportunity to make the most of their lives and talents and believing that no one should have poorer life chances because of where, what or to whom they were born or because of other characteristics'

6.9 Reasonable Adjustment

- As part of the Equality Act 2010, Glenfields Care Home Limited must ensure reasonable adjustments are in place to meet the needs of disabled people where required
- Examples of reasonable adjustments include
 - Making a building or environment accessible for a disabled person, such as ramps and technological aids
 - Providing information in a format that supports the person for example audio, large print or offering clear written information

- Adjusting the timing of meetings to a time of day that suits the person, such as a Care Plan review in the afternoon rather than the morning
- Arranging for an advocate to support the Clients where required



7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- The Human Rights Act 1998, and, where relevant, the Mental Capacity Act 2005, provide the essential framework for decisions and actions in health and social care
- Rights can be absolute (such as Article 3, the complete prohibition of inhuman or degrading treatment) or qualified (such as Article 5, the right to liberty, and Article 8, the right to a private and family life) but are the starting point for good care
- The Mental Capacity Act 2005 and its code of practice provide detailed guidance on human rights for people who lack mental capacity
- Any breach of a person's human rights is a serious matter and all attempts must be made to avoid it or minimise its extent and effects on the person



8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- You can expect to receive indiscriminate care that reflects your unique needs
- You, or your relatives, have legal rights under the Human Rights Act 1998 and, where relevant, the Mental Capacity Act 2005
- Any inference by a public authority (or anyone commissioned by it) in someone's rights must be the least restrictive option that can be found and can be challenged in court
- Some rights can never be taken away or lessened; these include a person's right never to be tortured or treated in a way that is degrading or inhuman. This is explained in the Human Rights Act, Article 3
- Some rights can be restricted, but only if it is in your best interests (or those of your relatives or friends who receive services) or to protect public health. These are your rights to liberty (Article 5) and your right to live as you choose, including free contact with those you care about (Article 8)



Further Reading

Skills for Care - Standard 4 Equality and Diversity

<https://www.skillsforcare.org.uk/resources/documents/Developing-your-workforce/Care-Certificate/Care-Certificate-Standards/Standard-4.pdf>



Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- There is a clear approach to partnership working with other professionals and as part of a multidisciplinary team to create the best outcomes for the Clients
- The wide understanding of the policy is enabled by proactive use of the QCS App
- Human rights values are central whenever decisions are taken about or for someone lacking capacity to make a specific decision or series of linked decisions, and there is evidence of all practicable attempts being made to enable them to make these decisions for themselves
- Staff know about, and can discuss, the main human rights that are at risk of being breached in health and social care
- The Clients's rights are always discussed in team meetings and individual supervision, and evidenced by recording evidence of creative person-centred planning
- Whenever Care Plans are reviewed, records show a proactive search for ways to enhance and promote the rights of individuals to live as they wish
- Care Plans show that human rights are always considered in finding the least restrictive option for meeting an identified need, and this is evidenced by direct quotes from the person or those who care for them

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